

PTO 1390 Page 1 of 1

US Dept. of Commerce Pat. &amp; Trademark Office

Attorney's Docket No.  
22996

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 USC 371**

US. Application No. (if known)

**10/510189**INTERNATIONAL APP. NO.  
**PCT/EP03/05047**INTERNATIONAL FILING DATE  
**14 May 2003**PRIORITY DATE CLAIMED  
**16 May 2002**

## TITLE OF INVENTION

**RECOMBINANT POXVIRUS EXPRESSING HOMOLOGOUS GENES INSERTED INTO THE  
POXVIRAL GENOME**

APPLICANT(S) FOR DO/EO/US  
**Paul HOWLEY et al**

Applicant herewith submits to the United States Designated/Elected Office (DO/EU/US) the following .

1.  This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3.  This is an express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 317(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 USC 371(c)(2)).
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Patent Office.
6.  A translation of the International application into English.
7.  Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)).
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 USC 371(c)(4)).
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

## Items 11. to 16. below concern documents or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An Assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.
- A **SECOND** or **SUBSEQUENT** preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items of information.

Drawing (19 sheets)

References

PTO-1449

US Application no (if known) <b>10/510189</b>	International Application no. <b>PCT/EP03/05047</b>	Attorney's Docket No. <b>22996</b>
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## 17. The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5):

Search report has been prepared by the EPO or JP ..... \$900.00

Int'l prel. exam. fee paid to USPTO (37 CFR 1.482) ..... \$720.00

No int'l prel. exam. fee paid to USPTO (37 CFR 1.482)  
but int'l search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$770.00Neither int'l prel. exam fee (37 CFR 1.482) nor  
int'l search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1080.00Intl. prel. exam. fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Art. 33(2-4) ..... \$100.00

CALCULATIONS PTO USE ONLY

**\$1,080**

## ENTER APPROPRIATE BASIC FEE AMOUNT

Surcharge of \$130.00 for furnishing oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

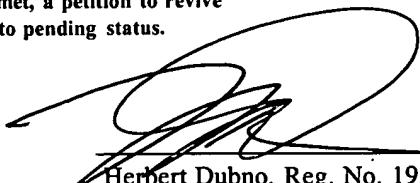
CLAIMS	NO. FILED	NO. EXTRA	RATE	
Total claims	27	7	\$18	<b>\$126</b>
Ind. claims	0	0	\$86	<b>\$0</b>
MULTIPLE DEP. CLAIM(S) (if applicable) (see prel. amt.)		290		
TOTAL OF ABOVE CALCULATIONS			<b>\$1,206</b>	
Reduction of 1/4 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (37 CFR 1.2, 1.27, 1.28)			<b>\$0</b>	
SUBTOTAL			<b>\$1,206</b>	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				
TOTAL NATIONAL FEE			<b>\$1,206</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The Assignment may be accompanied by an appropriate PTO-1595 cover sheet (37 CFR 3.28, 3.39)			<b>\$40</b>	
TOTAL FEES ENCLOSED			<b>\$1,246</b>	
		Amt to be refunded		
		Amt to be charged		

- a.  A check in the amount of **\$1206** to cover the above fees is enclosed
- b.  Please charge my deposit account 18-2025 **\$00.00** to cover the above fees. A copy of this sheet is enclosed.
- c.  Please charge the amount due to the credit card identified in the attached PTO-2038.
- d.  The commissioner is authorized to charge any additional fees which may be required or credit any overpayment to deposit account 18-2025. A copy of this sheet is enclosed
- e.  A PTO-2038 in the amount of **\$40** to cover recordal of the Assignment is enclosed

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:

**The Firm of Karl F. Ross P.C.**  
**5676 Riverdale Ave. Box 900**  
**Riverdale (Bronx), NY 10471**



Herbert Dubno, Reg. No. 19,752

10/510189

CERTIFICATE OF EXPRESS OR  
FIRST CLASS MAILING

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail, or as Express Mail if the number of the Express Mail mailing label is provided below, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C.

SEP 30 2004 (Date of Deposit)

EY031253075 (Express Mail Label Number)

22996



IN THE U.S. PATENT AND TRADEMARK OFFICE

SEP 30 2004 (Date of Deposit)

EY031253075 (Express Mail Label Number)

Inventor **Paul HOWLEY et al**  
 Patent App. **Not known (US Nat'l phase of PCT/EP03/05047)**  
 Filed **Concurrently herewith**  
 For **RECOMBINANT POXVIRUS EXPRESSING HOMOLOGOUS GENES INSERTED INTO THE POXVIRAL GENOME**

Hon. Commissioner of Patents  
 Box 1450 Alexandria, VA 22313-1450

*[Signature]*

The Firm of Karl F. Ross, P.C.

## RECORD OF TRANSMITTAL--PCT APPLICATION

<input checked="" type="checkbox"/> PCT Transmittal	
<input checked="" type="checkbox"/> PCT Application	
<input type="checkbox"/> Translation	
<input checked="" type="checkbox"/> Sheets of Drawing (19)	
<input checked="" type="checkbox"/> PCT Declaration	
<input checked="" type="checkbox"/> Power of Attorney	
<input checked="" type="checkbox"/> PCT Documents	
<input checked="" type="checkbox"/> International Search Report	
<input checked="" type="checkbox"/> Preliminary Amendment	
<input checked="" type="checkbox"/> Assignment (with PTO-1595 and sep. PTO-2038)	
<input checked="" type="checkbox"/> Reference(s) with PTO-1449	
<input checked="" type="checkbox"/> PTO Data Entry Form (2 pages)	
<input checked="" type="checkbox"/> PTO-2038 for Official Fees	
<input checked="" type="checkbox"/> Basic Fee (Large Entity)	\$1080.00
<input type="checkbox"/> Ind. claims in excess of 3	\$00.00
<input checked="" type="checkbox"/> 7 claims in excess of 20	\$126.00
 Total	 \$1206.00

Please charge any fees not covered by an enclosed PTO-2038 to account 18-2025 of the undersigned.

30 September 2004

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Respectfully submitted,  
 The Firm of Karl F. Ross P.C.

Herbert Dubno, Reg. 19,752